

EXHIBIT 2

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HACHETTE BOOK GROUP :
INC., HARPERCOLLINS :
PUBLISHERS LLC, JOHN :
WILEY & SONS INC., :
and PENGUIN RANDOM :
HOUSE LLC, :
:
Plaintiffs, : Case No. 1:20-cv-04160
:
v. :
:
INTERNET ARCHIVE and :
DOES 1 through 5, :
inclusive, :
:
Defendants. :
- - - - - x

- - -
Wednesday, June 8, 2022
- - -

Confidential remote videotaped deposition of RASMUS
JØRGENSEN, Ph.D., beginning at 10:08 a.m., before
Christina S. Hotsko, RPR, CRR, when were present on
behalf of the respective parties:

1 that across many titles with many different
2 licensing arrangements, there would not be a
3 one-to-one relationship.

4 BY MS. STEINMAN:

5 Q. And in your expert report you presented
6 no model to try to correlate, on the one hand,
7 OverDrive checkouts and, on the other hand,
8 revenues for library e-books, correct?

9 A. Generally speaking, when economists
10 quantify or estimate models, they're trying to fit
11 the data. And in a circumstance like this where
12 we've concluded that there are complicating
13 factors, it would be hard to pursue a model where
14 the data can't really inform that.

15 Q. I agree with you.

16 So through no fault of your own, you have
17 not provided any empirical analysis of whether or
18 not the plaintiffs had declining library e-book
19 revenues after the National Emergency Library
20 ended and the works-in-suit were pulled, correct?

21 MR. GRATZ: Objection. Vague.

22 THE WITNESS: It's my understanding that

1 the data produced by OverDrive would not shed
2 light on that question, and, as such, I haven't
3 done that analysis.

4 MS. STEINMAN: Let's introduce, Jesse,
5 Exhibit Number 8, please, the February 25, 2022,
6 expert report of Imke Reimers.

7 (Jørgensen Deposition Exhibit 8 marked
8 for identification and attached to the
9 transcript.)

10 BY MS. STEINMAN:

11 Q. And when you get a chance, Dr. Jørgensen,
12 if you would look at paragraph 34 of Exhibit 8,
13 Imke Reimers' report. So paragraph 34.

14 A. Did you say Exhibit 8?

15 Q. Yes. This should be Exhibit 8, the
16 February 25, 2022, expert report of Dr. Reimers.
17 And we're looking at paragraph 34.

18 A. I'm scrolling there. Thank you.

19 MR. GRATZ: While the witness is
20 scrolling, we've been going for about 90 minutes,
21 and I want to make sure that we don't go for too
22 much longer without a break, and maybe even a

C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said witness was taken by me in stenotypy and thereafter reduced to typewriting under my direction; that said statement is a true record of the proceedings; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this statement was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in black ink, appearing to read 'CHS', with a long horizontal flourish extending to the right.

CHRISTINA S. HOTSKO, RPR, CRR